

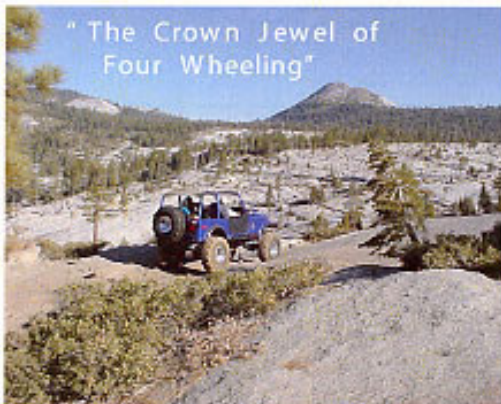
**Continuing the Report on Conditions 16 July 2008 at the Buck Island Lake  
Area on the Rubicon 4x4 Trail, An El Dorado County Road  
in the Eldorado National Forest, California  
by Monte Hendricks**



El Dorado County  
Parks & Recreation

A Guide to the

# Rubicon Trail



We continue our look at conditions along "The Crown Jewel of Four Wheeling" - The Rubicon Trail - in El Dorado County California. We will focus in on the area along the northern shore of Buck Island Lake pictured above in an enlargement from the map used in the newly printed El Dorado County guide.



If you were expecting to see a primitive narrow double tire track trail that many of us would think defines a 4x4 trail, get that thought out of your head. This is the modern day current Rubicon Trail—a wide eroding swath across the California Sierra Nevada. Here the "Trail" goes around and encircles a cluster of trees. The hiker on the right provides a perspective on the overall width.





Similar conditions exist just beyond with the ever widening trail leaving another smaller vegetation island,

In the 1980's when the Eldorado National Forest had jurisdiction of the Rubicon Trail after El Dorado County abandoned it as a county road, Rich Platt, then the Pacific District Resource Officer Eldorado National Forest, was contacted by Mark Smith, a legend in the 4x4 world and one of the primary founders of the Jeepers Jamboree events. Mark wanted Hummers banned from the Trail because they were "too wide", they would bang up all the trees, and "ruin" the trail. As you can see, today there is no danger of the Trail being too "narrow". Before any action could be taken to address this and other issues on the Trail, El Dorado County reclaimed the Rubicon Trail as a county road with the adoption of a resolution by the Board of Supervisors.

It wasn't the Hummers that "ruined" the Trail, it was the advent of the user built highly modified 4x4 vehicle. They go by many names such as rock crawler or buggy. These extreme vehicles are not street legal although many display license plates instead of a California OHV "green sticker". If you put thousands of dollars into a vehicle that can drive over just about anything, let's be realistic what are you going to want to do with your machine? You are going to want to use it. And the Rubicon Trail clearly shows that use.



The 4x4 community attempts to make the distinction that it is "the nut behind the wheel" not the vehicle that is responsible of the increasing resource degradation. It should be obvious that the two go hand in hand, the "nut" (their term not mine) and the incredible (and destructive) abilities of the extreme vehicle. Need evidence? Take a look at these photos. The above photo is taken from the middle of the Trail. Why the widening of the Trail and destruction of the vegetation? Because it's steeper over there and a challenge to see if the vehicle can climb it.





**This destruction is recent. The brush is not completely dead yet. It very well could be dead by now. It doesn't stand much of a chance.**



**Here is a view of this same area looking back up the hill to give you perspective of the amount of damage to brush, the complete denuding of the area, breaking loose of rocks and the soon loss of all soil down to bedrock. See the thick brush cover to the left? That's what this looked like before the devastation. This is damage that has occurred this season.**





**Let's take a look a little further east on the Trail along Buck Island Lake. See the vehicle to the right driving around the hill? That is probably the original trail but straight up the hill offers much more of a challenge with the resulting dramatic devastation.**





**Here is the first steep section after crossing the dam. The same damage is evident with widening of the Trail, destruction of vegetation, increases in erosion, and increased vehicle fluid spills due to damage from traveling over rougher terrain.**



**Evidence of the continuing problems with oil spillage and human waste is seen through out this area.**



Several non USFS system roads leave the Rubicon Trail and lead to dispersed camping areas near the shoreline. All these roads are closed to motor vehicle travel by Forest Order 03-08-02 yet all show signs of recent heavy vehicle traffic.

Although El Dorado County has claimed the Rubicon Trail as a county road, it has not been surveyed nor does a legal easement or recorded right of way exist. The land in this area is managed by the Eldorado National Forest.

The leaders of the 4x4 community claim that user education and peer pressure is changing behavior for the better and solving the issues out on the Rubicon Trail. Unfortunately, as conditions show, this is not true. The reality with what is happening on the ground and to the resources tells a different much less positive story.

El Dorado County calls the Rubicon Trail "The Crown Jewel of Four Wheeling." The photos used in this report were all taken by me on 16 July 2008 on a hike along "The Crown Jewel" between Ellis Creek and Buck Island Lake.



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<sup>1</sup> 17 USCA § 107.

<sup>2</sup> *Robinson v. Random House, Inc.*, 877 F.Supp. 830, 840 (1995).

<sup>3</sup> *Id.*, *Fisher v. Dees*, 794 F. 2d 432, 435 (1986).

<sup>4</sup> *National Rifle Ass’n of America v. Handgun Control Federation of Ohio*, 15 F.3d 559, 562 (1994). See also, *Consumers Union of United States, Inc. v. General Signal Corp.*, 724 F.2d 1044 (1983).

<sup>5</sup> *Lamb v. Starks*, 949 F.Supp. 753, 757 (1996).

<sup>6</sup> *Elsmere Music, Inc. v. National Broadcasting Co., Inc.*, 482 F.Supp. 741, 745 (1980).

<sup>7</sup> *Amsinck v. Columbia Pictures Industries, Inc.*, 862 F.Supp. 1044, 1048 (1994). See also, *Love v. Kwitny*, 706 F.Supp. 1123 (1989) (effect of use upon the potential market for or value of the copyrighted work); *National Rifle Ass’n of America*, *supra* (effect of use upon potential market for or value of copyrighted work).

<sup>8</sup> 17 USCA § 107; *Metro-Goldwyn-Mayer, Inc. v. American Honda Motor Co., Inc.*, 900 F.Supp. 1287, 1299, 1300 (1995). See also, *Lewis Galoob Toys, Inc. v. Nintendo of America, Inc.*, 780 F.Supp. 1283 (1991); *Twin Peaks Productions, Inc. v. Publications Intern. Ltd.*, 996 F.2d 1366 (1993). See also, *CSM Investors, Inc. v. Everest Development, Ltd.*, 840 F.Supp. 1304 (1994); *American Geophysical Union v. Texaco Inc.*, 802 F.Supp. 1 (1992).